

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL MASON,

CV 05-200-PK

Plaintiff,

ORDER

v.

JOANNE B. BARNHART,
Commissioner of Social
Security,

Defendant.

REDDEN, Judge:

On August 4, 2006, Magistrate Judge Papak issued a Findings and Recommendation that defendant Commissioner's decision denying plaintiff's claim for Supplemental Security Income benefits should be affirmed. Plaintiff has filed timely objections and the matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b) on de novo review. See 28 U.S.C. § 636(b)(1)(C); Bhan v. NME Hospitals, Inc., 929 F.2d 1404, 1415 (9th Cir. 1991).

This matter involves plaintiff's second of three applications for Supplemental Security Income benefits, which he filed in November, 1996. Plaintiff alleges he is disabled because of (1) back and leg pain, with associated cramps and spasms, caused

by degenerative disc disease and pain disorder, and (2) depression.

Following a careful review of the record, I concur in the Magistrate Judge's Findings that the ALJ (1) gave clear and convincing reasons for partially rejecting plaintiff's testimony regarding the extent of his pain, (2) gave germane reasons for partially rejecting the testimony of each of the lay witnesses regarding the extent of plaintiff's physical and mental impairments, (3) properly evaluated the medical evidence in assessing plaintiff's residual functional capacity, and (4) adequately compared plaintiff's functional limitations with the requirements of his past relevant work as a machine operator in finding plaintiff was capable of performing that job. I also agree with the Magistrate Judge's finding that any failure of the ALJ to include plaintiff's mental limitations in his RFC analysis was harmless in light of the medical evidence in the record that such limitations do not preclude him from performing his past relevant work.

For these reasons, I find no error in the Findings and Recommendation (doc. 18), and I adopt them as my own. Accordingly, the Commissioner's decision denying plaintiff's claim for supplemental security income benefits is **AFFIRMED** and this case is **DISMISSED with prejudice.**

IT IS SO ORDERED.

DATED this 13th day of October, 2006.

/s/ James A. Redden

James A. Redden
Senior United States District Judge

